

EXHIBIT C-20

May 31st Amicus Letter

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May 31, 2020

Honorable Tani Cantil-Sakauye, Chief Justice
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Re: **Amicus Letter In Support of Petition for Review:**

Gary Smolker,
Cross-Complainant & Appellant

vs

Home Saving Termite Control, Inc. & W. F. Morris
Cross-Defendant & Respondents

Supreme Court Case No. S262483
Court of Appeal Case No. B289828
Los Angeles, Superior Court Case No. BC173952

Hon. Chief Justice Cantil-Sakauye:

My name is Michael Arlen and I have been active in the governance, advocacy and educational initiatives of lung health organizations for 3 decades: American Lung Association, Breathe California, and Pacific Heart Lung & Blood Institute. I have also worked closely with the NIH and the CDC to develop plans to create safeguards in the form of protocols in matters which demanded strict National Compliance.

This case, part of a series of four Court of Appeal cases for which Petitions For Review were submitted to the Supreme Court of California: Supreme Court Case Nos. **S262483**, S261006, S261361 & S261363, **reveals a hidden defect which has compromised the integrity of our Court System!**

Under the guise of what could only be characterized as either Unbridled Judicial Guidance or Corrupted Case Management, a cleverly choreographed scheme of procedural gamesmanship allowed a matter to first implode through the Court's (in)discretion¹, and then allowed it to be imperfectly resurrected in such a manner as to allow it to explode into 4 separate cases, each with its own cadence of procedural deadlines, all to run in simultaneous discordant conflict; and always at the distinct disadvantage of the Cross Complainant & Appellant!²

The malicious "choreography" of the Case Management has both exhausted and depleted Cross Complainant & Appellant's ability receive his day in court. He has also been punished to pay 4 times as much to file his matters before the Court!³

A Judge on the Bench is supposed to act as a "Referee," and make sure that procedural opportunism by Counsel for Big Industry is not allowed to set the stage to quash a citizen's right to due process and a fair trial.

This matter, and its companion cases before the California Supreme Court, serves as an excellent opportunity to develop protocols, which would safeguard our Citizens from losing faith in our Court System, due to rigged Case Management, which hinders a litigant to have a case heard on its merits!

Michael Arlen's Amicus Letter
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May 31, 2020

A few weeks ago, I sent you a more exhaustive, 6-page Amicus letter, which provided Points and Authorities and details on the circumstances which were wrong with one of the Companion cases:

GARY SMOLKER
Cross-Complainant & Appellant
vs
W.R. GRACE, and GRACE DAVISON
Cross-Defendant & Respondents

Supreme Court Case No. S261006
Court of Appeal Case No. B281406
Los Angeles, Superior Court Case No. BC173952

I know that you've received information, detailing the same about this case, both from the Appellant and from at least one other Amicus Letter writer.

Based on how my earlier attempt to detail the need for this matter to be Reviewed, fared; and the Court's terse, one-word response, I've decided not to tip-toe through the minefield with facts and recitations. Accordingly, here's why the court needs to review the litany of errors and its tsunami affect it has had to ensure that this matter would never be heard on its merits! (see Cross-Complainant & Appellant's pleadings and appendix)

- 1. The California Supreme Court is the overseer of the Rules, Regulations and the conduct of those who sit on the Bench and those who serve as Officers of the Court.**
- 2. It is also charged with the responsibility to make sure the California Court System remains a place of justice, where ordinary citizens can speak truth to power.**
- 3. Partiality, systemically meted-out through faulty Case Management is clearly a problem which needs to be addressed by the California Supreme Court.**

This matter and its companion cases, clearly show how injustice is served.
Please accept this opportunity to develop a means to stop this systemic injustice to continue.

It could be as easy as requiring Judges to withhold partial judgments, and announce decisions, only after the entirety of a complicated case concludes!

This is an excellent opportunity for the California Supreme Court to do something to ensure the integrity of the California Court System.

Respectfully submitted,



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PROOF OF SERVICE BY MAIL

I am a resident of the City of Los Angeles, in the State of California; and, I am over the age of eighteen years and not a party of the within entitled cause; my home address is 3506 S. Bentley Avenue, Unit 205, Los Angeles, CA 90034-6568.

On June 4, 2020, I sent 9 original copies of the attached:

Michael Arlen's Amicus Letter In Support of Petition for Review: (S262483) to:

**The Honorable Tani Gorre Cantil-Sakauye,
Chief Justice of California
Supreme Court of California
350 McAllister Street
San Francisco, California 94102**

Via Fed Ex next day delivery.

I also sent by mail, copies to:

**Rosemary Lewis, Esq.
& Jeffrey Z. Liu, Esq.
Borton Petrini, LLP
626 Wilsire Blvd., Suite 975
Los Angeles, CA 90017
Attorneys for Cross-defendants and Respondents
W.R. Grace & Co. and Grace Davison**

And

**Gary Smolker, Esq
The Law Offices of Gary Smolker
16055 Ventura Blvd., Suite 525
Los Angeles, California 90017
Attorney for Cross-complainant and Appellant Gary Smolker, in pro per**

Via United States Postal Service

I, Michael Arlen, declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 24 at Los Angeles, California.

Executed on June 4, 2020, at Los Angeles, California



Michael Arlen

RECEIVED

JUN 08 2020

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